

_____ BILL NO. _____

INTRODUCED BY _____

(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE TRANSPORTATION OF INDIVIDUALS WHO MAY BE SUFFERING FROM MENTAL ILLNESS TO THE STATE HOSPITAL FOR INVOLUNTARY EVALUATION OR COMMITMENT; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO ADOPT RULES; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. State hospital to provide transportation to individuals for evaluation

or civil commitment. (1) The superintendent of the state hospital shall create and operate a service to provide transportation to and from the state hospital for individuals who need to be involuntarily evaluated at or are committed to the state hospital pursuant to this chapter.

(2) Transportation is to be provided to or from the state hospital only for those individuals who have no other means of transportation to or from the state hospital.

(3) The service does not provide transportation to individuals who are to be admitted to the state hospital pursuant to Title 46.

(4) The program created and operated by the state hospital pursuant to subsection (1) must include:

(a) the procurement and use of vehicles suited for the purposes of the program;

(b) the qualifications, training, and safety of individuals providing the service and the safety and dignity of individuals transported by the service;

(c) a written policy for the use of mechanical or medical restraints that provides for the restraint of individuals being transported only for those situations in which the safety of the individuals being transported or providing the transportation clearly requires the use of restraints; and

(d) discharge planning that is coordinated with transportation of individuals who are to be released from the state hospital.

(5) If restraints are used during transport to the state hospital, the individual being transported must be given a physical examination upon arrival at the state hospital to determine whether any injury to the individual has occurred during the period of transportation to the state hospital.

(6) If an individual cannot for any reason be transported by the service provided by the state hospital pursuant to this section, a peace officer, emergency medical service, or other form of transportation may be used by the county seeking the evaluation or petitioning for commitment of the individual.

(7) The department shall adopt rules to implement subsection (4)(c).

NEW SECTION. Section 2. Appropriation. There is appropriated to the department of public health and human services from the general fund \$499,000 in each fiscal year of the biennium beginning July 1, 2009, for the purposes of [section 1].

NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 53, chapter 21, and the provisions of Title 53, chapter 21, apply to [section 1].

NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2009.

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